

water had been added thereto or mixed or packed therewith so as to increase its bulk or weight and reduce its quality.

On October 3, 1941, the defendant having entered a plea of nolo contendere, the court entered judgment of not guilty.

**2705. Adulteration of oysters. U. S. v. Paul C. Stamm (Weems Seafood Co.).**  
**Plea of guilty. Fine, \$50.** (F. D. C. No. 4153. Sample Nos. 5533-E, 27497-E, 27526-E, 27533-E, 27534-E, 27825-E.)

Examination of these oysters showed that they contained added water.

On September 19, 1941, the United States attorney for the Eastern District of Virginia filed an information against Paul C. Stamm, trading as the Weems Seafood Co., Irvington, Va., alleging shipment within the period from on or about November 16 to on or about December 14, 1940, from the State of Virginia into the States of Ohio and Kentucky, of quantities of oysters which were adulterated in that water had been substituted in part for oysters and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight and reduce its quality.

On October 21, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$50.

**2706. Adulteration and misbranding of canned oysters. U. S. v. 198 Cases, 98 Cases, and 98 Cases of Canned Oysters. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 5238. Sample Nos. 49211-E to 49213-E, incl.)

Examination showed that this product contained excessive brine.

On July 31, 1941, the United States attorney for the Northern District of Illinois filed a libel against 394 cases of canned oysters at Chicago, Ill., alleging that the article had been shipped on or about June 26, 1941, by Kuluz Bros. Packing Co. from Biloxi, Miss.; and charging that it was adulterated and that portions were also misbranded. It was labeled in part: (Cans) "Foodcraft Brand Oysters," "Fargo Brand Cove Oysters," or "IGA \* \* \* Cove Oysters."

The article was alleged to be adulterated in that brine had been substituted wholly or in part for oysters.

Portions of the article were alleged to be misbranded in that the statements "Net Weight of Oyster Meat 5 Oz." and "Contents 5 Oz. Avd. Oyster Meat," were false and misleading since the cans contained less than that amount of oyster meat. They were alleged to be misbranded further in that they were in package form and did not bear a label containing an accurate statement of the quantity of contents.

On November 14, 1941, the Callerman Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

#### FROZEN FISH

Nos. 2707 to 2716 report the seizure and disposition of frozen fish that was in whole or in part decomposed.

**2707. Adulteration of frozen whiting. U. S. v. Gloucester Seafoods Corporation.**  
**Plea of guilty. Fine, \$250.** (F. D. C. No. 4118. Sample Nos. 27474-E, 27488-E, 31861-E, 31863-E, 31864-E, 35085-E, 44441-E.)

On September 11, 1941, the United States attorney for the District of Massachusetts filed an information against Gloucester Seafoods Corporation, Gloucester, Mass., alleging shipment within the period from on or about June 1 to on or about September 29, 1940, from the State of Massachusetts into the States of Texas, Ohio, Colorado, and Illinois, of quantities of frozen whiting which was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Frosted H & G Whiting Gloucester Seafoods Corp. Gloucester, Mass.," or "Butterfly Whiting Packed at Gloucester, Mass. For Geo H. Thomas, Inc."

On January 6, 1942, a plea of guilty was entered on behalf of the defendant and a fine of \$250 was imposed.

**2708. Alleged adulteration of red perch filets. U. S. v. John Wootton (New Fish Co. and New Fisheries). Plea of not guilty. Case tried to the court; judgment of not guilty.** (F. D. C. No. 4168. Sample No. 16311-E.)

On November 17, 1941, the United States attorney for the Northern District of Oklahoma filed an information against John Wootton, trading as New Fish Co., and New Fisheries, at Tulsa, Okla., alleging shipment on or about July 26, 1940, from the State of Oklahoma into the State of Illinois, of quantities of fish which

was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, namely, red perch fillets infested with parasites. The article was labeled in part: "Fish Fillets Deep Sea Brand T. & J. Busalacchi Inc. Boston, Mass."

On March 10, 1942, the defendant having entered a plea of not guilty and having waived the jury, the case came on for trial before the court. After hearing the evidence, the court entered judgment finding the defendant not guilty and ordered his discharge.

**2709. Adulteration of frozen fish. U. S. v. 128 Boxes of Frozen Whiting (and 3 other seizure actions against frozen fish). Decrees ordering that portions of the products be released under bond for salvaging of the good portion; remainder ordered destroyed.** (F. D. C. Nos. 5614, 5786, 5977, 6026. Sample Nos. 58356-E, 58891-E, 62290-E, 64329-E, 64338-E.)

Between August 20 and October 14, 1941, the United States attorneys for the Western District of Wisconsin, Western District of Pennsylvania, and the Northern District of Illinois filed libels against the following quantities of frozen fish: 320 15-pound boxes of whiting at Madison, Wis., 80 15-pound boxes of haddock at Pittsburgh, Pa., and 466 15-pound boxes of pollack at Chicago, Ill., alleging that the articles had been shipped within the period from on or about July 21 to on or about September 30, 1941, by F. J. O'Hara & Sons, Inc., from Boston, Mass., and Portland, Maine; and charging that they were adulterated in that they consisted wholly or in part of decomposed substances. The articles were labeled in part: "H and G Maine Whiting," "Sm. Hadd Fillets," or "Pollock Fillets Packed by Portland Fish Co. Portland Me."

On September 26 and November 14, 1941, F. J. O'Hara & Sons, Inc., and the Portland Fish Co., claimants respectively for the lots seized at Pittsburgh and Chicago, having admitted the allegations of the libels, judgments of condemnation were entered and the products were ordered released under bond for salvaging the good portion under the supervision of the Food and Drug Administration. On October 7 and November 11, 1941, no claimant having appeared for the fish seized at Madison, judgment of forfeiture was entered and the product was ordered destroyed.

**2710. Adulteration of frozen fish. U. S. v. 589 Boxes of Frozen Fillets (and 2 other seizure actions against frozen fish). Consent decrees of condemnation. Products ordered released under bond.** (F. D. C. Nos. 5466, 5618, 5773. Sample Nos. 42966-E, 42968-E, 42978-E, 42981-E, 64326-E, 64332-E, 64337-E, 79112-E.)

Examination of this product showed the presence of decomposed and putrid fish, a part of which was also parasite-infested.

On August 28 and September 5 and 22, 1941, the United States attorneys for the Western District of Pennsylvania and the Southern District of Ohio filed libels against 1,558 15-pound boxes of frozen haddock and 392 5-pound cartons of frozen perch at Pittsburgh, Pa., and 1,185 15-pound boxes of frozen whiting at Cincinnati, Ohio, alleging that the articles had been shipped within the period from on or about June 21 to on or about August 28, 1941, by Henry & Close, Inc., from Boston, Mass.; and charging that they were adulterated in that they consisted wholly or in part of filthy or decomposed substances. The articles were labeled in part: "Frozen Fillets \* \* \* Small Haddock [or "H & G Whiting"]"; or "Blue Sea Brand \* \* \* Ocean Perch Fillets."

On October 8 and 14, 1941, Henry & Close, Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the products were ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

**2711. Adulteration of frozen perch. U. S. v. 200 Boxes of Frozen Perch. Decree of condemnation and destruction.** (F. D. C. No. 5472. Sample No. 67271-E.)

On August 28, 1941, the United States attorney for the Southern District of Iowa filed a libel against 200 boxes, each containing 2 5-pound cartons, of frozen perch at Burlington, Iowa, alleging that the article had been shipped in interstate commerce on or about August 13, 1941, by Mariner's Fish Co. from Gloucester, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Taste o' Sea Tenderloins \* \* \* Ocean Perch."

On October 11, 1941, the consignee having consented to the immediate destruction of the product, judgment of condemnation and destruction was entered.